

CHAPTER 10
PROMOTION, TRANSFER, TEMPORARY ASSIGNMENT, REASSIGNMENT
AND VOLUNTARY DEMOTION

[Prior to 11/5/86, Merit Employment Department[570]]

581—10.1(19A) Promotion.

10.1(1) An appointing authority may promote an employee with permanent status if the employee meets the minimum qualifications and other promotional screening requirements for the class. When required, the employee must be on the list of eligibles for the class and available under the conditions stated on the certificate request.

10.1(2) An agency may promote an employee into a position not covered by merit system provisions in accordance with the agency's promotional policies.

10.1(3) Agencies shall collect and maintain data on the characteristics of applicants considered for promotion in accordance with equal employment opportunity and affirmative action reporting requirements and these rules.

581—10.2(19A) Reassignment. An appointing authority may reassign an employee. Reassignments may be intra-agency or interagency. Interagency reassignments require the approval of both the sending and the receiving appointing authorities.

An employee who refuses a reassignment may be discharged in accordance with rule 581—11.2(19A), except as provided for in the second unnumbered paragraph of this rule. If the employee is discharged, and if the employee had permanent status, and if the reassignment would have been in excess of 25 miles, the employee shall have recall rights in accordance with subrule 11.3(6), paragraph "c."

If the reassignment of an employee would result in the loss of merit system coverage, an appointing authority may not reassign that employee without the employee's written consent regarding the change in merit system coverage. A copy of the consent letter shall be forwarded by the appointing authority to the director. If the employee does not consent to the change in coverage, a reduction in force may be initiated in accordance with these rules or the applicable collective bargaining agreement.

581—10.3(19A) Temporary assignments.

10.3(1) An appointing authority may assign a permanent employee to special duty when that employee is temporarily needed in a position in another class. This assignment shall be without prejudice to the employee's rights in or to the regularly assigned position. Unless there is a statutory requirement to the contrary, the employee need not be qualified for, nor certified to the class to which temporarily assigned.

10.3(2) An appointing authority may temporarily assign a permanent employee duties that are extraordinary for the employee's class. These duties may be of a level higher than, lower than, or similar to the duties regularly assigned to the employee's class, and may be in addition to or in place of some or all of the employee's regularly assigned duties.

10.3(3) Additional pay may be requested by the appointing authority when:

- a.* A special duty assignment is to a class in a higher pay grade;
- b.* A special duty assignment is from a nonsupervisory to a supervisory class having the same pay grade;
- c.* Extraordinary duties are assigned that are of a level higher than the duties assigned to the class to which the employee is allocated; or
- d.* Supervisory duties are assigned to an employee whose regular assignment is in a nonsupervisory class.

When approved, additional pay shall be paid in accordance with 581—subrule 4.5(6).

10.3(4) Requests shall be submitted to the director in writing for assignments to special duty or extraordinary duty that exceed three complete pay periods, explaining the need and the period of time requested. Temporary assignments shall not initially be approved for a period longer than one year. Extensions may be requested. Requests shall be submitted on forms prescribed by the director.

10.3(5) An appointing authority may make temporary assignments without additional pay for up to three consecutive pay periods in a fiscal year. Approval for temporary assignments without additional pay beyond three consecutive pay periods may be granted by the director.

10.3(6) An appointing authority shall provide restricted duty work assignments, without change to an employee's class and regular pay rate, for those employees who have a medical release to return to restricted duty following a job-related illness or injury. The original period of restricted duty shall be the hourly equivalent of 20 workdays (which shall be on a pro rata basis for part-time employees), or until the employee is medically released for full duty, whichever is less. Extensions to the original period may be requested by the appointing authority and shall be subject to the approval of the director. Exceptions to this subrule must be approved by the director.

581—10.4(19A) Voluntary demotion. An appointing authority may grant an employee's written request for a demotion to a lower class. If the voluntary demotion involves movement from a position covered by merit system provisions to one that is not, the request must clearly indicate the employee's knowledge of the change in merit system coverage. If the employee objects to the change in coverage, the demotion shall not take effect. Also, no demotion shall be made from one position covered by merit system provisions to another, or from a position not covered by merit system provisions to one that is, until the employee is approved by the director as being eligible for appointment. A copy of the voluntary demotion request shall be sent by the appointing authority to the director at the time of the demotion.

Voluntary demotion may be either intra-agency or interagency, and shall not be subject to appeal under these rules.

Voluntary demotion of an employee with probationary status to a position covered by merit system provisions shall be in accordance with rule 581—9.3(19A).

581—10.5(19A) Merit system return rights. Rescinded IAB 1/15/97, effective 2/19/97.

581—10.6(19A) Transfer. An employee may request a voluntary transfer. The decision to grant the request is the appointing authority's.

An appointing authority may involuntarily transfer an employee. To do so, any applicable collective bargaining agreement provisions regarding transfer must first be exhausted. Transfers may be interagency or intra-agency. Involuntary interagency transfers require the approval of both the sending and the receiving appointing authorities.

To be eligible to transfer, the employee must meet any minimum qualifications and selective certification requirements for the position if the position to which transferring is covered by merit system provisions. Transfer of an employee with probationary status to a position covered by merit system provisions shall be in accordance with rule 581—9.5(19A).

If the transfer of an employee would result in the loss of merit system coverage, the transfer shall not take place without the affected employee's written consent to the change in merit system coverage. A copy of the consent letter shall be forwarded by the appointing authority to the director. If the employee does not consent to the change in coverage, a reduction in force may be initiated in accordance with these rules or the applicable collective bargaining agreement.

These rules are intended to implement Iowa Code section 19A.9.

[Filed July 14, 1969; amended October 19, 1970, July 26, 1974]

[Filed 2/28/80, Notice 12/26/79—published 3/19/80, effective 4/23/80]

[Filed 8/14/81, Notice 6/24/81—published 9/2/81, effective 10/7/81]

[Filed 12/3/82, Notice 10/13/82—published 12/22/82, effective 1/26/83*]
[Filed 3/22/85, Notice 10/24/84—published 4/10/85, effective 5/15/85]
[Filed 12/3/85, Notice 10/9/85—published 12/18/85, effective 1/22/86]
[Filed 4/4/86, Notice 1/15/86—published 4/23/86, effective 5/28/86]
[Filed emergency 7/1/86—published 7/30/86, effective 7/1/86]**
[Filed 10/17/86, Notice 8/13/86—published 11/5/86, effective 12/10/86]
[Filed 7/24/87, Notice 6/17/87—published 8/12/87, effective 9/16/87]
[Filed 4/29/88, Notice 3/9/88—published 5/18/88, effective 7/1/88]
[Filed 2/1/90, Notice 12/13/89—published 2/21/90, effective 3/30/90]
[Filed 5/23/91, Notice 4/17/91—published 6/12/91, effective 7/19/91]
[Filed 3/26/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]
[Filed 12/12/96, Notice 10/23/96—published 1/15/97, effective 2/19/97]

*Effective date of Ch 10 delayed 70 days by Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83. See details following chapter analysis.

**See IAB Personnel Department